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SUPERIOR COURT OF CALIFORNIA
COUNTY OF HUMBOLDT

1 **Dustin E. Owens, Bar No. 244173**
Laurence S. Ross, SBN 161095
2 **Owens & Ross**
310 Third Street, Suite D
3 Eureka, CA 95501
4 Ph: (707) 441-1185
5 Fx: (707) 441-8470
Attorney for Tiffany Hunt Nielsen

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7 IN THE SUPERIOR COURT OF CALIFORNIA
8 COUNTY OF HUMBOLDT

9
10 TIFFANY HUNT NIELSEN,
11
12 Petitioner and
Real Party In Interest

Case No.: **CV2201226**

**VERIFIED PETITION FOR WRIT OF
MANDATE (ELECTIONS CODE § 13313)**

13 v.

DATE: 8/29/2022
TIME: 10:30 a.m.
DEPT: 4

14 KELLY E. SANDERS, Clerk, Recorder, and
Registrar of Voters, of the County of
15 Humboldt,

16 Respondent.

17 TO KELLY E. SANDERS, Clerk, Recorder, and Registrar of Voters of the County of
18 Humboldt and all parties entitled to notice:

19 PLEASE TAKE NOTICE that on August 29, 2022 at 10:30 a.m. in Department 4 of this
20 Court, Petitioner, Tiffany Hunt Nielsen, hereby petitions this honorable court for the issuance
21 of a Writ of Mandate and as grounds therefore alleges as follows:

22 1. Petitioner, Tiffany Hunt Nielsen, is an individual who resides in Humboldt
23 County, California.

24 2. Petitioner is a registered voter in the County of Humboldt.
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1 3. Respondent, Kelly E. Sanders (“Elections Official”), is the Clerk, Recorder and
2 Registrar of Voters of the County of Humboldt. In that position, she is the election official of
3 the County of Humboldt.

4 4. Petitioner, Tiffany Hunt Nielsen, is a candidate for the position of Clerk,
5 Recorder, and Registrar of Voters for the November 8, 2022 general election and has duly filed
6 all documents required by the Elections Code for that purpose. Petitioner is the real party in
7 interest in this matter pursuant to Elections Code § 13313(b)(3).

8 5. In connection with her candidacy, the Petitioner, Tiffany Hunt Nielsen, timely
9 submitted a Candidate Statement pursuant to Elections Code § 13307. A true and correct copy
10 of the Candidate Statement (the “Original Candidate’s Statement”) is attached hereto as Exhibit
11 A and incorporated herein by reference.

12 6. The Elections Official initially accepted and approved the Original Candidate’s
13 Statement and included it in in the Voter’s Pamphlet prepared for public examination in
14 accordance with Elections Code § 13313(a).

15 7. Petitioner is informed and believes, and on that basis alleges, that the public
16 examination period commenced on Saturday, August 13, 2022 and expires on Tuesday, August
17 23, 2022.

18 8. On August 16, 2022, the Elections Official informed the Petitioner in a letter that
19 an objection was made to the following phrase in the Original Candidate’s Statement: “I am the
20 only candidate with experience working in both offices.” In that letter, the Elections Official
21 indicated that she would be removing that statement from the Original Candidate’s Statement
22 prior to publication. Notably, the Elections Official failed to comply with Elections Code §
23 13313 which require the filing of a writ of mandate, even where the change is pursued by the
24 Elections Official. (See Elections Code § 13313(b)(1)). A true and correct copy of this letter
25 is attached hereto as Exhibit B.
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1 9. The grounds for the Elections Official action is because the referenced sentence
2 fails to comply with Elections Code § 13308, which requires, in relevant part, that “any
3 candidate statement submitted must be limited to a recitation of the candidate’s own personal
4 background and qualifications, and shall not in any way make reference to other candidates for
5 that office or to another candidate’s qualifications, character, or activities. ...”

6 10. Elections Code § 13313 provides, in full, as follows:

7
8 West's Ann.Cal.Elec.Code § 13313

9 § 13313. Voter's pamphlet; public examination; writ of mandate or injunction to amend or delete materials

10 Currentness

11 (a) The elections official shall make a copy of the material referred to in Section 13307 available for public examination in the elections
12 official's office for a period of 10 calendar days immediately following the filing deadline for submission of those documents. Any person may
13 obtain a copy of the candidate's statements from the elections official for use outside of the elections official's office. The elections official
14 may charge a fee to any person obtaining a copy of the material, and the fee may not exceed the actual cost incurred by the elections
15 official in providing the copy.

16 (b)(1) During the 10-calendar-day public examination period provided by this section, any voter of the jurisdiction in which the election is
17 being held, or the elections official, himself or herself, may seek a writ of mandate or an injunction requiring any or all of the material in the
18 candidates statements to be amended or deleted. The writ of mandate or injunction request shall be filed no later than the end of the 10-
19 calendar-day public examination period.

20 (2) A peremptory writ of mandate or an injunction shall issue only upon clear and convincing proof that the material in question is false,
21 misleading, or inconsistent with the requirements of this chapter, and that issuance of the writ or injunction will not substantially interfere
22 with the printing or distribution of official election materials as provided by law.

23 (3) The elections official shall be named as respondent and the candidate who authored the material in question shall be named as the real
24 party in interest. In the case of the elections official bringing the mandamus or injunctive action pursuant to this subdivision, the board of
25 supervisors of the county shall be named as the respondent and the candidate who authored the material in question shall be named as the
26 real party in interest.

27 **Credits**

28 (Stats.1994, c. 920 (S.B.1547), § 2. Amended by Stats.2002, c. 228 (S.B.2001), § 12.)

11. Elections Code § 13313 permits the Petitioner, as a voter in the County of
Humboldt to seek a peremptory writ of mandate requiring the Original Candidate’s Statement
to be amended upon a showing of clear and convincing proof that the material in question is
inconsistent with the requirements of that Chapter of the Elections Code.

1 12. The Petitioner therefore seeks a peremptory writ of mandate requiring the
2 Original Candidate's Statement to be amended and replaced with the Candidate's Statement
3 attached hereto as Exhibit C and incorporated herein by reference on that basis. This would
4 replace the contested phrase, with the phrase "I have experience working in both offices." so
5 that it complies with Elections Code § 13308.

6 13. Pursuant to Elections Code § 13314(a)(3) this matter has priority over all other
7 civil matters.

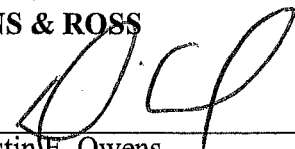
8 **WHEREFORE, Petitioner prays:**

9 1. That a peremptory Writ of Mandate be issued requiring that the Candidate's
10 Statement of Tiffany Hunt Nielsen be amended to read as set forth in Exhibit C hereto and be
11 printed, posted, and circulated by the Elections Official in that form.

12 2. For such other and further relief as the Court deems necessary and proper.

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14 DATED: 8/18/2022

OWENS & ROSS

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16 By: 
17 Dustin E. Owens
18 Attorney for Petitioner
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VERIFICATION

I, the undersigned, hereby declare that I have read the foregoing petition and know its contents. I am the Petitioner and Party in Interest in the above-referenced matter. The facts stated above are true and correct of my own knowledge, except for those matters stated upon information and belief. As to the matters stated on information and belief, I believe them to be true. I declare the foregoing is true and correct under penalty of perjury under the laws of the State of California and that this verification is executed on Aug 17th 2022 at Eureka, California.

Tiffany Hunt Nielsen
Tiffany Hunt Nielsen
By fax

OSR

EXHIBIT A

CANDIDATE'S NAME: Tiffany Hunt Nielsen AGE: 44

OCCUPATION: Sr Recordable Document Examiner at the Recorder's Office

I am Tiffany Hunt Nielsen, candidate for Humboldt County Clerk/Recorder and Registrar of Voters. I am the only candidate with experience working in both offices.

This job requires experience, integrity and dedication. I have that experience and will bring the same level of integrity and dedication to the job that I have displayed in my 20+ years of related work.

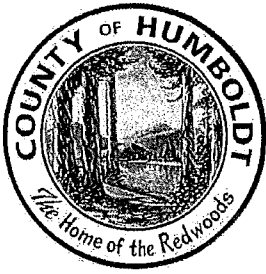
It is imperative we ensure everyone's right to vote and have transparent, accurate and timely elections. Our faith in democracy depends on it. We also must have confidence that our legal documents are recorded accurately. I work daily with surveyors, lenders, land title professionals, homeowners and the general public to ensure that accuracy. Certified documents from birth and marriage certificates to property records and other legal documents must be recorded accurately and responsive to the needs of the public.

This important work requires experience and excellent customer service when serving the public. I have the experience and I am a STICKLER for quality customer service.

Under my supervision and guidance, all local, state and federal guidelines will be followed in a uniform, consistent and accessible manner.

I respectfully ask for your support and vote on Nov. 8th. Thank you.

EXHIBIT B



COUNTY OF HUMBOLDT

Kelly E. Sanders
County Clerk, Recorder and Registrar of Voters

County Clerk / Recorder
825 Fifth St., Fifth Floor
Eureka, CA 95501
(707) 445-7593

Elections
2426 6th Street
Eureka, CA 95501
(707) 445-7481

August 16, 2022

Tiffany Hunt Nielsen
PO Box 303
Eureka, CA 95502

Re: Candidate Statement
November 8, 2022 General Election

Tiffany:

An objection has been made to the sentence referenced below which is contained in your candidate statement for the November 8, 2022, General Election:

"I am the only candidate with experience working in both offices."

The objection was made pursuant to Election Code Section 13308 which states as follows:

"In addition to the restrictions set forth in Section 13307, any candidate's statement submitted pursuant to Section 13307 shall be limited to a recitation of the candidate's own personal background and qualifications, and shall not in any way make reference to other candidates for that office or to another candidate's qualifications, character, or activities. The elections official shall not cause to be printed, posted on an Internet Web site, or circulated any statement that the elections official determines is not so limited or that includes any reference prohibited by this section."

Based upon my review of Election Code Section 13308, I agree that the sentence in question makes reference beyond your own personal background and qualifications. Had you stated: "I have experience in both offices," there would have been no reference to another candidate. I have consulted with county counsel and they are in agreement that the sentence is not limited to a recitation of your own qualifications. Therefore, I am removing the sentence from your candidate statement prior to printing it in the voter information guide to comply with Section 13308.

Sincerely,

Kelly E. Sanders
Clerk, Recorder & Registrar of Voters
County of Humboldt

EXHIBIT C

CANDIDATE'S NAME: Tiffany Hunt Nielsen AGE: 44

OCCUPATION: Sr Recordable Document Examiner at the Recorder's Office

I am Tiffany Hunt Nielsen, candidate for Humboldt County Clerk/Recorder and Registrar of Voters. I have experience working in both offices.

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I respectfully ask for your support and vote on Nov. 8th. Thank you.